

Before the State of South Carolina  
Department of Insurance

In the matter of: )  
Casetta S.Durant )  
4710 DC LN )  
Sumter, South Carolina 29154-8680. )  
\_\_\_\_\_ )

File Number 106568  
Default Order Revoking  
Resident Insurance Agent's License

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Casetta S. Durant by both certified mail, return receipt requested, and by regular mail on June 29, 2001.

That letter informed Durant of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. The letter further warned her that failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. **Despite that warning, Durant has failed to respond to the Department's letter. Durant has failed to provide the Department with a current address in violation of S.C. Code Ann. § 38-43-107 (Supp. 2000), and the United States Postal Service returned as unclaimed the certified letter sent by the Department.** On August 3, 2001, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Monumental life insurance Company, Durant failed to turn-over or satisfactorily account for \$2834.29 in insurance premiums collected from citizens of this State.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides the Director or his designee "may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State." This Code Section goes on in Subsection (3) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent...has received payment from a customer or insured."

In accordance with my findings of fact, and considering Durant's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Cali violated S.C. Code

Ann. § 38-43-130 (3) (Supp. 2000) and that her resident insurance agent's license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of Casetta S. Durant to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Casetta S. Durant is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

August 3, 2001, at  
Columbia, South Carolina

Before the State of South Carolina  
Department of Insurance

In the matter of:

Casetta S. Durant

4710 DC LN

Sumter, S.C. 29154-8680

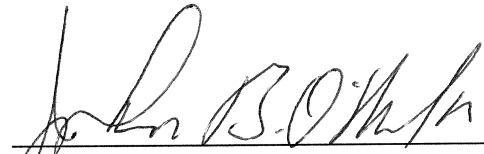
File Number 106568

Affidavit of Default

Personally appeared before me John B. O'Neal, III, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

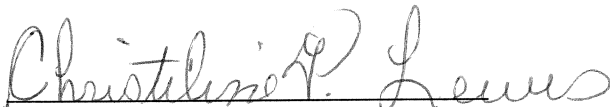
The Department served notice on Casetta S. Durant at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke her license to act as a resident insurance agent within the State of South Carolina in ten days. The Department served that notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2000), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified Durant of her opportunity, within ten days, to request in writing a public hearing.

The United States Postal Service effected service of the notice by certified mail, return receipt requested, and by regular mail, on or about June 29, 2001. It served notice of the certified letter upon Durant on June 29, July 4, and July 14, 2001. See "Exhibit A" attached. The United States Post Office at Sumter, South Carolina then returned the certified letter to the Department, having marked it as "Unclaimed." The Notice sent via regular mail was not returned. Durant has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. She is now in default.



John B. O'Neal, III  
Associate General Counsel

Sworn to and subscribed before me  
this 3rd day of August, 2001.



Christiline P. Lewis, Notary Public  
My Commission Expires: 11/20/06

South Carolina Department of Insurance  
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